SIEMENS

RECEIVED
CENTRAL FAX CENTER
OCT 3 1 2008

FACSIMILE COVER SHEET

In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Roswell J. Ruka

Application No. 10/663,949

Atty. Docket No: 2003P07614US

Filed: 09/16/2003

itle: PLASMA SPRAYED CERAMIC-METAL FUEL ELECTRODE

Examiner: I

Keith D. Walker

Art Unit: 1745

➡ FACSIMILE ATTN TO: Keith D. Walker

FAX NO.: 571-273-8300

NOTICE OF APPEAL AND APPELLANT'S BRIEF

Commissioner for Patents Alexandria, VA 22313

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on October 31, 2006.

Barbara Quinn

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg) PTO/SB/21 Transmittal (1 pg)

PTO/SB/31 Notice of Appeal (2 pgs - original & copy)

Copies of Notice of Appeal and Fee Transmittal dated June 5, 2006 (2 pgs)

Appellant's Brief in Response to Office Action bearing "date mailed" of 08/25/2006 (17 pgs)

Declaration of George R. Folser under 37 C.F.R. § 1.31 (4 pgs)

Number of pages being transmitted (including this cover sheet): 27 pgs

The information contained in this facsimile message may contain attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us. Thank you.

Siemens Corporation

Legal and Intellectual Property Department 4400 Alafaya Trail Orlando Florida 32826 Tel: 407-736-2472 FAX: 407-736-6440.

NO. 4877 P.

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of Information untess it displays a valid CNIB control number.

		Application Number	er ·	10/663,94	9		
TRANSMITTAL FORM		Filing Date		09/16/200	3 .	DEC	
		First Named Inven	tor	Roswell J	. Ruka	CENTRAL	EIVED
				1: 474E			•
(to be used for all correspondence after in	Examiner Name			Keith D. V	Valker	OCT 3	1 2006
Total Number of Pages in This Submission		Attorney Docket No	umber	2003P076	314US)
	ENCLO	SURES (check all the	f apply)				1 -
Fee Transmittal Form	Drawing(s)			After Alic	1		
Fee Attached	Licensing-related Papers			Appeal Communication to Board			
Amendment / Reply	Petition			of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Repty Brief)			
After Final	Petition to Convert to a			-	ry Information	-	
Affidavits/declaration(s)	Provisional Application Power of Attorney, Revocation Change of Correspondence Address			Status Letter			
Extension of Time Request	☐ Terminal Disclaimer			Other Enclosure(s) (please identify below):			
Express Abandonment Request	Request for Refund CD, Number of CD(s)			Facsimile Cover Sheet including a certificate of transmission under 37 CFR 1.8			·
Information Disclosure Statement	☐ Lan	dscape Table on CD		01 01101.			
Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application	Folser in n	Appeal, Appeliant esponse to Office are being filed.					
Reply to Missing Parts under 37 CFR1.52 or 1.53	Fees were	previously paid (with Noi	ice of App	eal dated J	une 5, 2006	
SIGN	ATURE OF	APPLICANT, ATTO	RNEY, O	R AGENT			
Firm	SIEMENS					•	<i>.</i>
Signature	H/ Mhon						
Printed Name	ohn P. Mu	ISONO					
Date	October 31, 2006 Reg. No. 44,961						
	CERTIFICA	TE OF TRANSMISS	ION/MAI	LING			7
I hereby certify that this correspondenc Service with sufficient postage as first Alexandria, VA 22313-1450 on the date	t class mail i	n en envelope addres	ne USPTO seed to: C	or deposited Commissioner	with the Unite for Patents, F	d States Postal P.O. Box 1450,	
Signature Baula	are Lu	ميته	•	•]
Typed or printed name Barbara				Date	October 31	, 2006	フ

This collection of information is required by 37 CFR 1,5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1,11 and 1,14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completes application form to the USPTO. Time will vary depending upon the including case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Petents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

RECEIVED **CENTRAL FAX CENTER**

OCT 3 1 2006

NO. 4877

PTO/8B/31 (09-04) Approved for use through 07/31/2009, OMB 0881-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

NOTICE OF APPEAL FROM THE E THE BOARD OF PATENT APPEALS AND				et Number (Optional) 3P07614US	
I hereby certify that this correspondence is being	eby certify that this correspondence is being in re Application of				
transmitted on October 31, 2006 via facsimile number	R. Ruka et a	<u>l </u>	······································	·	
(571) 273-8300	Application Nun	nber		Filed	
	10/663,949			09/16/2003	
Signature			ED CI	ERAMIC-METAL FUEL	
Typed or printed	ELECTRODE				
nameBarbara Quinn	Art Unit 1745	Examiner Keith D.		er	
Applicant hereby appeals to the Board of Patent Appea	als and Interferen	ces from the	decisio	on of the examiner.	
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))	·			\$ <u>0</u>	
Applicant claims small entity status. See 37 CFR 1.27. To by half, and the resulting fee is:	herefore, the fee sho	wn above is r	educed	. ·	
☐ A check in the amount of the fee is enclosed.				•	
Payment by credit card. Form PTO-2038 is attached.	•	٠.			
The Director has already been authorized to charge fees I have enclosed a duplicate copy of this sheet.	in this application to .	a Deposit Acc	count.		
☐ The Director is hereby authorized to charge any fees while	oh may be required, o	or credit any o	хеграуп	nent	
to Deposit Account No I have enclosed (a duplicate copy of th	nia sheet.			
☐ A petition for an extension of time under 37 CFR 1.135(a)	(PTO/SB/22) is end	losed.			
WARNING: Information on this form may become public, form. Provide credit card information and authorization	. Credit card inform on PTO-2038.	nation should	ed ton t	included on this	
I am the	•			Man	
applicant/inventor.	•	-		Signature	
assignee of record of the entire interest.		<u> </u>	ohn P	. Musone	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is en (Form PTO/SB/98)	closed		Ť	yped or printed name .	
attorney or agent of record. ∴		4	Ю7-73	6-6449	
Registration number 44,961.				Telephone number	
☐ attorney or agent acting under 37 CFR 1.34.	.:			•	
Registration number if eating under 37 CFR 1.34			October 31, 2006		
	•			Date	
NOTE: Signatures of all the inventors or assignees of record of the Submit multiple forms if more than one signature is required, see b		sir represental	tive(s) ar	e required.	
				·	

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application from to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. BEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Total of

forms are submitted.

RECEIVED CENTRAL FAX CENTER

NO. 4877

7 P. 4

OCT 3 1 2006

PTC/S8/31 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
ired to record to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE E THE BOARD OF PATENT APPEALS AND		et Number (Optional) P07614US						
I hereby certify that this correspondence is being	rtify that this correspondence is being In re Application of							
transmitted on October 31, 2006 vta facsimila number	R. Ruka et al	<u> </u>						
(571) 273-8300	Application Num	ber		Filed				
M. H. B. C. C. T. S. C.	10/663,949	_		09/16/2003				
Signature	For PLASMA	SPRAY	ED CI	ERAMIC-METAL FUEL				
Typed or printed	ELECTRODE							
nemeBarbara Quinn	Art Unit 1745	Examiner Keith D.	Walker					
Applicant hereby appeals to the Board of Patent Appea	als and interference	es from the	decişi	on of the examiner.				
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))				\$ <u>0</u>				
Applicant claims small entity status. See 37 CFR 1.27. To by helf, and the resulting fee is:	nerefore, the fee sho	el evods nw	educed	\$				
☐ A chack in the amount of the fee is enclosed.								
Payment by credit card. Form PTO-2038 is attached.								
The Director has already been authorized to charge feas in I have enclosed a duplicate copy of this sheet.	in this application to a	Deposit Acc	ount.	:				
The Director is hereby authorized to charge any fees which	th may be required, o	or credit eny o	verpayn	nent				
to Deposit Account No I have enclosed a duplicate copy of this sheet.								
A petition for an extansion of time under 37 GFR 1.136(a)	(PTO/SB/22) is enci	osed.						
WARNING: Information on this form may become public, form. Provide credit card information and authorization	. Credit card inform on PTO-2038.	ation shouk	10 6	l. A				
t am the				Man				
applicant/Inventor.				Signature				
assignee of record of the entire interest.		<u> 1</u>	ohn P	. Musone				
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) la en	ciosed.		Typed or printed name					
(Form PTO/SB/96)								
☑ attorney or agent of record.	☑ attorney or agent of record.							
Registration number 44,961.								
attorney or agent acting under 37 CFR 1.34.	•							
Registration number if acting under 37 CFR 1.34.		_	October 31, 2008					
				Date				
NOTE: Signatures of all the inventors or assigness of record of the Submit multiple forms if more than one signature is required, see t	entire interest or the below.	ir representê	tivo(s) s	re required.				

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including garthering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the included case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Citlef Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. BEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-900-PTO-9199 and select option 2.

NO. 4877

P. 5

OCT 3 1 2006

PTC/SB/31 (09-04)
Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	D INTERFER		2003	P07614US	4
hereby certify that this correspondence is being deposited with the United States Postal Service with	In re Applicatio	n of			
sufficient postage as first class mall in an envelope	R. Ruka et a	R. Ruka et al.			
addressed to "Commissioner for Petents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Nu	Application Number Filed			
on June 5, 2008.	10/663,949 09/16/2003			09/16/2003	
Signature	For PLASMA SPRAYED CERAMIC-METAL FUEL				
Typed or printed	ELECTRODE				
nameBarbara Quinn	Art Unit 1745	Examiner Keith D		er	
Applicant hereby appeals to the Board of Patent Appe	sals and Interferer	nces from the	decisio	on of the examiner.	-
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		•		\$ <u>500.00</u>	
Applicant claims small entity status. See 37 CFR 1.27. by half, and the resulting fee is:	Therefore, the fee sh	own above is	reduced	8	
☐ A check in the amount of the fee is enclosed.					
Payment by credit card. Form PTO-2038 is attached.	•				1
The Director has already been authorized to charge feet I have enclosed a duplicate copy of this sheet.	s in this application to	a Deposit Ac	count.	.4.	
The Director is hereby authorized to charge any fees wh	nich may be required,	or credit any	overpayn	eent	
to Deposit Account No. 19-2179. I have enclosed a	duplicate copy of thi	sheet.			
☐ A petition for an extension of time under 37 CFR 1.138(a) (PTO/SB/22) is en	closed.			
. WARNING: Information on this form may become publiform. Provide credit card information and authorization	c. Credit card infor n on PTO-2038.	mation shoul	d not be	included on this	
I am the			11.1	luca	
applicant/inventor.		_	/	Signature	
assignee of record of the entire interest.			lohn P	, Musone	
The proof in the August	enclosed.		7	yped or printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is a (Form PTO/SB/96)					
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is a (Form PTO/SB/96) El attorney or agent of record.		· <u></u>	407-73	6-6449	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is 6 (Form PTO/S8/96)		· <u></u>	407-73	6-6449 Telephone number	- 12 7.5.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is a (Form PTO/SB/96) El attorney or agent of record.	eggiv en for en m	· <u></u>	107-73	,	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is a (Form PTO/SB/96) El attorney or agent of record. Registration number 44,961.			407-73 June 5	Telephone number	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is a (Form PTO/SB/96) El attorney or agent of record. Registration number 44,961.				Telephone number	

This collection of information is required by 37 CFR 41,31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gethering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissionar for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (12-04v2) Approved for use through 07/31/2008. OMB 0651-0032 ademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Patent at Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004, Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 481)	3).	Complete if Known					
	Application Number	10/663,949					
FEE TRANSMITTAL	Filing Date	09/16/2003	RECEIVED				
for FY 2005	First Named Inventor	Roswell J. Ruka	CENTRAL FAX CENTER				
Applicant claims small entity status. See 37 CFR 1.27	Examiner Name	Keith D. Walker	OCT 3 1 2006				
	Art Unit	1745	<u> </u>				
TOTAL AMOUNT OF PAYMENT (\$) 500	Attorney Docket No.	2003P07614US					

METHOD OF PAYME	NT (check al	i that apply)					
☐ Check ☐ Credit C	ard 🔲 Mor	ney Order 🔲 No	one Other	please identify):			
Deposit Account De	eposit Accoun	Number: 19-2179	9	Deposit Account	Name: Siem	ens Corporation	
For the above-l	dentified depo	sit account, the Di	irector is hereby	authorized to: (che	ck all that ap	ply)	
Charge f	fee(s) indicate	d below		Charge f	ee(s) indicate	d below, except	for the filing fee
· Charge	any additional	fee(s) or underpay	vments of fee(s)	Credit ar	ny overpayme	nts	•
	7 CFR 1.16 at	nd 1.17	•			·	-
Information and authorizati	on on PTO-203	8.	on card internated	n snould not be in	ctuded ou mis	torm. Provide cre	an cars
FEE CALCULATION							
1. BASIC FILING, SE	ARCH, ANI	EXAMINATIO	N FEES		· · · · · · · · · · · · · · · · · · ·		
	FILING F		SEARCH			ATION FEES	
Application Type	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	2373131314
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100 .	0	0	0	0	
2. EXCESS CLAIM F	EES						Small Entity
Fee Description						Fee (\$)	Fee (\$)
Each claim over 20 (i Each independent claim						50 200	25 100
Multiple dependent cl		ioning recession)				360	180
Total Claims	Extra C	laims Fee	(\$) <u>Fee</u>	Paid (\$)		<u>Multiple l</u>	Dependent Clair
-20 or H		. x	_ =		•	Fee (\$)	Fee Paid
HP = highest number of				D-1-1-10			
Indon (1)-1	Extra C	<u>laims</u> <u>Feel</u>	<u> </u>	Paid (\$)			
Indep. Claims) = ·	~					
- 3 or HF		x taims paid for, if one			٠٠.		• • • • • • • • • • • • • • • • • • • •
	of independent o	taims paid for, if grea	anër than 3.		٠٠.		· · · . : · · · · · · · · · · ·
- 3 or HF - Nighest number of 3. APPLICATION SIZ If the specification and	of independent of EFEE drawings exc	eed 100 sheets of	paper (excluding				
- 3 or HF - highest number of 3. APPLICATION SIZ If the specification and listings under 3	of Independent of EFEE drawings exc 37 CFR 1.52(e	eed 100 sheets of	paper (excluding size fee due is t	250 (\$125 for sm			50
- 3 or HF - highest number of the specification and listings under 3 sheets or fraction	of Independent of E FEE drawings exc 37 CFR 1.52(s on thereof. Se	eed 100 sheets of)), the application 2 35 U.S.C. 41(a)	paper (excluding size fee due is \$ (1)(G) and 37 Cl	250 (\$125 for sm R 1.16(8).	all entity) for	each additional	•
- 3 or HF - Highest number of the specification and listings under 3 sheets or fraction and the specification and sheets or fraction and	of Independent of E FEE drawings exc 37 CFR 1.52(s on thereof, Se Extra Sh	eed 100 sheets of)), the application 2 35 U.S.C. 41(a)	paper (excluding size fee due is t (1)(G) and 37 Cl or of each add	250 (\$125 for sm R 1.16(s). tional 50 or fra	all entity) for ction there	each additional	50 Fee Paid (\$)
- 3 or HF - highest number of 3. APPLICATION SIZ If the specification and listings under 3 sheets or fraction Total Sheets - 100	of Independent of E FEE drawings exc 37 CFR 1.52(s on thereof, Se Extra Sh	eed 100 sheets of)), the application e 35 U.S.C. 41(s) eets Numbe	paper (excluding size fee due is t (1)(G) and 37 Cl or of each add	250 (\$125 for sm R 1.16(s). tional 50 or fra	all entity) for ction there	each additional of Fee (\$) =	Fee Paid (\$)
- 3 or HF - highest number of the specification and listings under 3 sheets or fraction of the specification of th	of independent of the FEE drawings exc drawi	eed 100 sheets of)), the application e 35 U.S.C. 41(s) eets Numbe	paper (excluding a size fee due is \$ (1)(G) and 37 Cl ar of each add (round up	250 (\$125 for sm PR 1.16(s). Hional 50 or fra to a whole numl	all entity) for ction there	each additional of Fee (\$) =	·

SUBMITTED BY	·			
Signature	Affrican	Registration No. (Altorney/Agent) 44,961	Telephone	407-736-6449
Name (Print/Type)	OHN P. MUSONE		Date	June 5, 2006

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to tile (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case, Any comments on the emount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Cifect, U.S. Petent and Trademark Office, U.S. Department of Commence, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEEB OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.